SUPREME COURT, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

NO. 73-901

C. MURRAY HENDERSON, Warden,
Petitioner,

v.

ALBERT WILLIAM HALE,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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REPLY BRIEF TO BRIEF IN OPPOSITION

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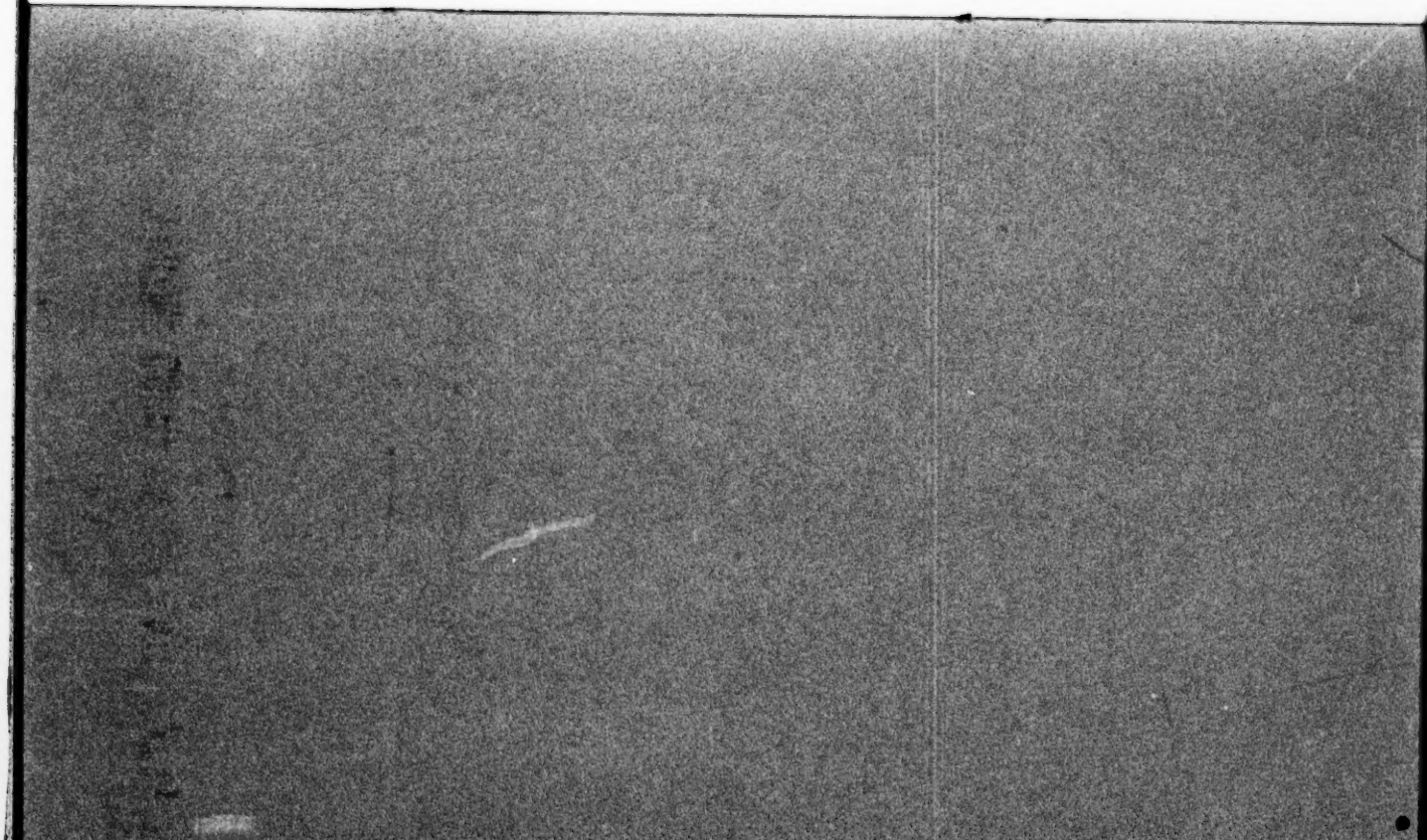

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MAY IT PLEASE THE COURT:

The brief in opposition argues that "This case is no more than routine; petitioner does not in any way challenge the validity of the rule in *Wong Sun* but simply urges that the Sixth Circuit wrongly applied it to a particular set of facts." (Brief in Opposition at 6). Petitioner would respectfully suggest that it is an important matter warranting this Court's review when the Sixth Circuit wrongly

applies *Wong Sun* so that the effect is to free a first degree murderer who also had been involved in another homicide. As noted in the brief in opposition, this Court recently granted certiorari to the same circuit in another case which involves *Wong Sun*. See *Michigan v. Tucker*, 73-482, *certiorari granted*, December 3, 1973, 42 U.S.L. Week 3325. The Sixth Circuit is apparently taking the wrong view of *Wong Sun*, and it is having serious ramifications in both Tennessee and Michigan.

CONCLUSION

Certiorari should be granted, and this case set for argument in tandem with *Michigan v. Tucker, supra*. In the alternative, this petition should be held pending the resolution by this Court of *Michigan v. Tucker, supra*.

Respectfully submitted,

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